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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

KENNETH DONALD HUTCHINS,

Defendant and Appellant.

A158975

(Sonoma County
Super. Ct. No. SCR629054)

Kenneth Donald Hutchins appeals from a postjudgment restitution award. His court-appointed counsel has filed a brief seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) to determine whether there are any arguable issues on appeal. There are no issues requiring further review. We affirm.

DISCUSSION

Hutchins was convicted of various sex offenses against a minor victim and possessing child pornography. On January 29, 2016, we affirmed his convictions in *People v. Hutchins*, (Jan. 29, 2016, A141037) [nonpub. opn.]. He now appeals from a post judgment order fixing restitution payable to the California Victim Compensation and Government Claims Board (the Board) in the amount of \$10,408.50.

At the time of his sentencing in 2014, Hutchins was ordered to pay \$1,701.00 in victim restitution. On August 21, 2015, Hutchins filed a waiver

of his right to be present for further court proceedings, and his counsel stipulated to an additional \$7,168.50 in restitution payable to the Board.

In April 2019, the People requested an increase in restitution to \$10,408.50. A hearing was held in October, and the People introduced into evidence the Board's restitution request, and the bills paid by the Board to show payments of \$10,408.50 for medical treatment provided to the victims. Hutchins testified in opposition to the request. He did not dispute the amount of the bills, but claimed he could not owe restitution because he was not guilty of the crimes. The court ordered additional restitution payable to the Board in the amount of \$10,408.50.

A defendant's due process rights at a restitution hearing are limited. The defendant has the right to notice of the amount claimed and to challenge the amount. (*People v. Cain* (2000) 82 Cal.App.4th 81, 86.) Moreover, certified copies of the bills paid by the Board for medical services provided to the victims create a rebuttal presumption of the amount incurred. (Pen. Code, § 1202.4, subd. (f)(4)(A) and (B).) Hutchins did not rebut the amounts paid. The restitution ordered was proper.

Hutchins' counsel has represented that he advised Hutchins of his intention to file a *Wende* brief in this case and of Hutchins' right to submit supplemental written argument on his own behalf. He has not done so. Hutchins has also been advised of his right to request that counsel be relieved.

There was no error, and our review of the entire record reveals no issue requiring further briefing.

DISPOSITION

The restitution order is affirmed.

Siggins, P.J.

WE CONCUR:

Fujisaki, J.

Petrou, J.

People v. Hutchins, A158975